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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/970,968	10/03/2001	Shingo Kuramochi	JP920000250US1	2672

7590 06/29/2005  
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EXAMINER

FLEURANTIN, JEAN B

ART UNIT PAPER NUMBER

2162

DATE MAILED: 06/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/970,968

Applicant(s)

KURAMOCHI, SHINGO

Examiner

JEAN B. FLEURANTIN

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 April 2005.  
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1-20 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.  
10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.  
5) ☐ Notice of Informal Patent Application (PTO-152)  
6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Response to Amendment***

1. This is in response to Applicant(s) arguments filed on 14 April 2005.
2. Claims 1-20 remain pending for examination.

### ***Response to Applicant' Remarks***

3. Applicant's arguments filed 14 April 2005 have been fully considered but they are not persuasive for the following reasons, see sections A and B.

### ***Claim Rejections - 35 USC § 103***

- A. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Pat. No. 5,867,110 issued to Naito et al., (hereinafter "Naito") in view of U.S. Pat. No. 6,263,347 issued to Kobayashi et al., (hereinafter "Kobayashi") and further in view of U.S. Pat. No. 5,835,916 issued to Kobayashi et al., (hereinafter "Inaki").

As per claim 1, discloses Naito "system for managing an object positioned in a management area" as each data set concerning a particular position is associated with

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a particular area, and the host computer is adapted to determine based upon the received position information data (see col. 3, lines 22-25), the system comprising:

"a host computer for holding a database in which position data of an object to be managed is stored in relation to attribute data of the object to be managed used for identifying the object to be managed" as a communication host apparatus which includes a database for storing a plurality of data set wherein each concerns a predetermined position (see cot. 1, lines 67 to cot. 2, lines 3);

"a portable terminal machine" as a portable terminal which is capable of retrieving data set (object information) from a database which concerns the position of the object (see figure 1, element 12; cot. 2, line 18-19) "configured to specify the object to be managed" as a means for detecting a signal receives from an artificial satellite, in which generates position information data indicative of the current position of the portable terminal based on the signal (see cot. 5, lines 29-37); and

"data communication means for transferring only a selected database from the host computer to the portable terminal machine so that only information about the object to be managed" as a means for transmitting the appropriate data to the portable terminal (see cot. 2, lines 25-28) and physical surrounding attributes is transferred to the portable terminal" (see col. 3, lines 16-61), and

"an editing means for editing the coordinate data of a new object to be managed or when the object to be managed is being moved to a new location" as updating the content of the database based on the received information "data" (see col. 12, lines 35-41),

"wherein the portable terminal machine displays a position of the object to be managed according to ~~position~~ the coordinate data in the database transferred from the host computer to the portable terminal machine and the physical surrounding attributes" as based on the information received from the host computer, the display mean displays the corresponding data obtained by the data processing, wherein the user of the portable terminal can obtain appropriate information regarding circumstances of a desire location of the object (see cot. 2, lines 28-34). Naito fails to explicitly disclose the claimed among a plurality of objects to be managed. However, Kobayashi discloses the claimed the portable remote terminal which is selected from the host data base and a record item of the object data, creating on the portable terminal an item definition data base which defines a record attribute, an object storage data base which stores object data on a record basis correspondingly to the item definition data base, a relation definition data base which defines relation among object data stored in the object storage data base and a definition data base which defines among the respective data bases created (see Kobayashi col. 5, lines 6-40). It would have been obvious to a person of ordinary skill in the art to modify the combined teachings of Naito and Kobayashi with among a plurality of objects to be managed. Such a combination would allow the teachings of Naito and Kobayashi to improve the reliability of the system for managing objects based on position data, and to provide a system for linking data between a computer and a portable remote terminal which extracts data of a host data base on the computer into the portable remote terminal (see Kobayashi col. 2, lines 52-55). While, Naito and Kobayashi fail to explicitly disclose the claimed the position data

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including coordinate data comprising starting points "X" and "Y" and end points "X" and "Y" for each object to be managed. However, Inaki discloses the claimed data indicates the type of the object, it also refers as object management data, object ranges data are represented by data on the coordinates start points X and Y and data on the coordinates for the end X and Y (see Inaki, col. 4, lines 40-46). It would have been obvious to a person of ordinary skill in the art to modify the combined teachings of Naito and Kobayashi and Inaki with the position data including coordinate data comprising starting points "X" and "Y" and end points "X" and "Y" for each object to be managed. Such a combination would allow the teachings of Naito and Kobayashi and Inaki to improve the speed of the process to acquire the attribute information necessary for displaying the reset cell "area" (see Inaki, col. 12, lines 62-64).

As per claim 2, Naito discloses, "wherein the portable terminal machine" (see figure 12) includes:

"a data storing unit for storing the database transferred from the host computer" as a means for transmitting the appropriate data to the portable terminal (see col. 2, lines 25-28);

"a condition inputting unit for entering a retrieval condition" as the data processing unit 24 executes the data processing based upon the received retrieval data set (see col. 10, lines 911);

"and a searching unit for searching the database according to the retrieval condition to obtain the position data from the database when the attribute data of the

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object matches the retrieval condition" as the data processing unit 24 retrieves the data in the second database of the database 32 based upon the impassable road section information data 206 to obtain the intersection position data 402, 403 in association with the road identification number contained in the impassable road section information data 206 (see col. 10, lines 28-34).

As per claim 3, Naito discloses, "wherein the portable terminal machine includes a data synchronization unit for synchronizing data in the database stored in the data storing unit of the portable terminal machine with data in the database held in the host computer" as based upon the supplied texts information data and intersection position data, displays on the screen thereof an image of a map in which the road sections and the route toward the destination are specified (see col. 10, lines 44-55).

As per claim 4, Naito discloses, "wherein the host computer includes a data synchronization unit for synchronizing data in the database stored in the data storing unit of the portable terminal machine with data in the database held in the host computer" as based upon the supplied texts information data and intersection position data, displays on the screen thereof an image of a map in which the road sections and the route toward the destination are specified (see col. 10, lines 44-55).

As per claim 5, Naito discloses, wherein the object to be managed is a computer (see Naito, col. 1, line 65 to col. 2, lines 20).

As per claim 6, Naito discloses "a retrieval system" as a portable terminal which is capable of retrieving data set (object information) from a database (see col. 2, lines 18-19), comprising:

"a host computer including a database, which database is output by the host computer on request, in which retrieval information and position information of objects to be managed are held in relation to each other" as a communication host apparatus which includes a database for storing a plurality of data set wherein each concerns a predetermined position (see col. 1, lines 67 to col. 2, lines 3); and

"a portable terminal machine for receiving and storing the database output by the host computer" as host apparatus being responsive to a portable terminal which is capable of retrieving data set (object information) from a database which concerns the position of the object (see figure 1, element 12; col. 2, line 16-19);

"wherein the portable terminal machine includes: a searching unit for searching the retrieval information in the database according to a condition specified by a user to identify a match between the retrieval information and the condition" as the data processing unit retrieves the data in the second database of the database based upon the; impassable road section information data to obtain the intersection position data in association with the road identification number contained in the impassable road section information data (see col. 10, lines 28-34); "and a map display unit for displaying a position where the particular object is managed on a map according to the position information" as specify an area in the map to be displayed on the screen of the display unit so as to read appropriate map from the map database (see col. 10, lines 2527),



'the map including physical attributes of both the object and attributes of an environment surrounding the object to be managed, the attributes of the environment are partitioned' as updating the content of the database based on the received information "data" (see col. 12, lines 35-41). Naito fails to explicitly disclose the claimed consequently to specify the position information of a particular object of the objects to be managed. However, Kobayashi discloses the claimed the portable remote terminal which is selected from the host data base and a record item of the object data, creating on the portable terminal an item definition data base which defines a record attribute, an object storage data base which stores object data on a record basis correspondingly to the item definition data base, a relation definition data base which defines relation among object data stored in the object storage data base and a definition data base which defines among the respective data bases created (see Kobayashi col. 5, lines 6-40). It would have been obvious to a person of ordinary skill in the art to modify the combined teachings of Naito and Kobayashi with consequently to specify the position information of a particular object of the objects to be managed. Such a combination would allow the teachings of Naito and Kobayashi to improve the reliability of the system for managing objects based on position data, and to provide a system for linking data between a computer and a portable remote terminal which extracts data of a host data base on the computer into the portable remote terminal (see Kobayashi col. 2, lines 52-55). While, Naito and Kobayashi fail to explicitly disclose the claimed an editing means for editing coordinate data of a new object to be managed or when any of the objects to be managed is moved to a new location, coordinate data including starting

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points "X" and "Y" and end points "X" and "Y". However, Inaki discloses the claimed data indicates the type of the object, it also refers as object management data, object ranges data are represented by data on the coordinates start points X and Y and data on the coordinates for the end X and Y (see Inaki, col. 4, lines 40-46). It would have been obvious to a person of ordinary skill in the art to modify the combined teachings of Naito and Kobayashi and Inaki with an editing means for editing coordinate data of a new object to be managed or when any of the objects to be managed is moved to a new location, coordinate data including starting points "X" and "Y" and end points "X" and "Y". Such a combination would allow the teachings of Naito and Kobayashi and Inaki to improve the speed of the process to acquire the attribute information necessary for displaying the reset cell "area" (see Inaki col. 12, lines 62-64).

As per claim 10, in addition to claims 1 and 7, Naito further discloses "an apparatus for managing data of an object to be managed" as a mean for displaying the corresponding data obtained by the data processing, wherein the user of the portable terminal can obtain appropriate information regarding circumstances of a desire location of the object (see cog. 2, lines 28-34); comprising;

"a database storing unit for storing; a database that includes map data used to display a map of an area in which an object to be managed is positioned, position data of a display mark that denotes the position of the object to be managed on the map, and attribute data used to identify the object to be managed" as a map stored in the

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database in which an specific area in the map to be displayed of the display unit to read out appropriate map data (see cog. 10, lines 25-27); and

"a database outputting unit for outputting the database to a portable terminal machine in response to a request from the portable terminal machine" as host apparatus being responsive to a portable terminal which is capable of retrieving data set (object information) from a database which concerns the position of the object (see figure 1, element 12; col. 2, line 16-19) "so that only information about the object to be managed and physical attributes of a surrounding environment is transferred to the portable terminal" (see col. 2, lines 9-16).

As per claim 11, Naito discloses, "the apparatus further including a map display unit for displaying the map according to the map data in the database" as to specific area in the map to be displayed on the screen of the display unit so as to read out appropriate map data from the map database (see cot. 10, lines 25-27);

"a mark drawing unit for enabling; a user to draw a display mark on the map displayed by the map display unit" as a user touches the touch panel the input device detects the operation and provides the data processing unit with instructions, in which the display unit displays on a display screen images corresponding to the results of data processing by the data processing unit (see cot. 4, lines 55 to cot. 5, line 3);

"a coordinate obtaining unit for obtaining coordinates of the display mark drawn by the mark drawing unit" as a user touches the touch panel the input device detects the operation and provides the data processing unit with instructions, in which the display

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unit 22 display; on a display screen images corresponding; to the results of data processing by the data processing unit (see col. 4, lines 65 to col. 5, line 3), and column 9, lines 51-54; and

"a data storing unit for storing the coordinate data in the database as the position data of the display mark" (see figure 1, element 32, col. 4, lines 58-59).

As per claim 12, Naito discloses, "wherein the map display unit" (see col. 10, lines 2527), "when the display mark is drawn by the mark drawing unit, displays a reference line created on the map in response to a fixed item in the area in which the object to be managed is positioned" as to determine the longitude and latitude ranges (coordinates) defining an area in which the position corresponding to the received position information data falls (see col. 9, lines 51-54).

As per claim 13, in addition to claim 1, Naito further discloses "a position display method" as a means for displaying images based upon data obtained by the data processing, in which the portable terminal further including current position detecting means for detecting its current position (see col. 2, lines 811), comprising the steps of:

"storing a database that includes map data used to display an area in which a plurality of objects to be managed are placed as a map, position data used to display a position of each of the plurality of objects to be managed in the area on the map, and attribute data used to identify each object to be managed in a locally unique way" as based on the information received from the host computer, the display means displays

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the corresponding data obtained by the data processing, wherein the user of the portable terminal can obtain appropriate information regarding circumstances of a desire location of the object (see col. 2, lines 28-34);

"reading the map data and the position data of the specific object to be managed from the database" as to specify an area in the map to be displayed on the screen on the display unit so as to read out appropriate map data from the map database, (see col. 10, lines 26-28); and

"displaying the position of the specific object to be managed in the area on the map according to the map data and the position data read from the database" as to specify an area in the map to be displayed on the screen on the display unit so as to read out appropriate map data from the map database (see col. 10, lines 26-28), and column 2, lines 28-34.

As per claim 14, Naito discloses, "wherein the database is received from a host computer and stored in the database storing step" as a communication host apparatus which includes a database for storing a plurality of data set wherein each concerns a predetermined position (see col. 1, lines 67 to col. 2, lines 3).

As per claim 15, Naito discloses, "wherein the database is updated by the host computer" as the host computer 50 transmits data to the portable terminal via the network system and writes appropriate data to the database (see col. 5, lines 60-65).

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As per claim 16, Naito discloses, "wherein the host computer updates the database at predetermined times" as means for responsive to the time up signal to transmit the position information data indicative of the current position of the portable terminal to the communication host apparatus (see col. 2, lines 39-41).

As per claim 17, Naito further discloses "a computer readable storage medium that stores a program to be executed by a computer" as a communication host apparatus which includes a database for storing a plurality of data set wherein each concerns a predetermined position (see col. 1, lines 67 to col. 2, lines 3), the program enabling the computer to execute:

"a first process for displaying a map based on map data and on position data of an object that is positioned and managed in a specific area, wherein the map data and the position data are stored in a database" as based on the information received from the host computer, the display mean displays the corresponding data obtained by the data processing, wherein the user of the portable terminal can obtain appropriate information regarding circumstances of a desire location of the object (see col. 2, lines 25-34);

"a second process for drawing a display mark of the object to be managed" as based upon the supplied the second text information data, in which the display unit displays on the screen a text corresponding to the text information data (see col. 10, lines 44-46);

"a third process for obtaining coordinate data of the drawn display mark on the map" as based upon the supplied intersection position area, in which displays on the screen an image of a map and the road sections (see col. 10, lines 46-49); and

"a fourth process for storing the coordinate data in the database in relation to entered data of the object" as a communication host apparatus which includes a database for storing a plurality of data set wherein each concerns a predetermined position (see col. 1, lines 67 to col. 2, lines 3).

As per claim 18, Naito discloses, "wherein the program further enables the computer to execute a process for presenting a list of objects to be managed, read from the database, so as to prompt the user to specify a particular object to be managed and to be stored in relation to the coordinate data in the fourth process" as a communication host apparatus which includes a database for storing a plurality of data set wherein each concerns a predetermined position (see col. 1, lines 67 to col. 2, lines 3), and column 10, lines 26-28.

As per claim 19, Naito discloses the claimed subject matter except the claimed managed independent of the position of the portable terminal and the object to be managed. However, Kobayashi discloses the claimed the portable remote terminal which is selected from the host data base and a record item of the object data, creating on the portable terminal an item definition data base which defines a record attribute, an object storage data base which stores object data on a record basis correspondingly to

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the item definition data base, a relation definition data base which defines relation among object data stored in the object storage data base and a definition data base which defines among the respective data bases created (see Kobayashi col. 5, lines 6-40). It would have been obvious to a person of ordinary skill in the art to modify the combined teachings of Naito and Kobayashi with among a plurality of objects to be managed. Such modification would allow the teachings of Naito and Kobayashi to improve the reliability of the system for managing objects based on position data, and to provide a system for linking data between a computer and a portable remote terminal which extracts data of a host data base on the computer into the portable remote terminal (see Kobayashi col. 2, lines 52-55).

i) Claims 7-9, 13-18 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Pat. No. 5,867,110 issued to Naito et al., (hereinafter "Naito") in view of U.S. Pat. No. 6,263,347 issued to Kobayashi et al., (hereinafter "Kobayashi").

As per claim 7, in addition to claim 1, Naito discloses "a portable position display apparatus for displaying a position of an object to be managed" as the data processing unit 24 refers to the position information data indicative of its own current position of the portable terminal, in which to specify an area in the map to be displayed on the screen of the display unit so as to read appropriate map from the map database (see cot. 2, lines 22-34), comprising:



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"a data storing unit for storing a database that includes map data used to display a map of an area in which the object to be managed is positioned, position data used to locate the object to be managed on the map, and wherein the position data is stored in relation to the attribute data" as a map stored in the database in which an specific area in the map to be displayed of the display unit to read out appropriate map data (see cot. 10, lines 2.5-27);

"a condition input unit for enabling a user to enter a retrieval condition" as a means for entering a new interval time through the input device 20 (see cot. 11, lines 38-39);

"a searching unit for searching the database stored in the data storing unit according to the retrieval condition to identify a match between the attribute data and the retrieval condition" as a means for searching the data in the second database of the database based upon the shelter route information data to obtain the intersection position data in association with the road identification number contained in the shelter route information data (see cot. 10, lines 33-37); and

"a map display unit for displaying a position of the object to be managed on the map according to the map data and the position data in the database when a match is identified by the searching unit" as specify an area in the map to be displayed on the screen of the display unit so as to read appropriate map from the map database (see cot. 10, lines 25-27). Naito fails to explicitly disclose the claimed consequently to identify position data of the object to be managed independent of the portable position display apparatus's position. However, Kobayashi discloses the claimed the portable

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remote terminal which is selected from the host data base and a record item of the object data, creating on the portable terminal an item definition data base which defines a record attribute, an object storage data base which stores object data on a record basis correspondingly to the item definition data base, a relation definition data base which defines relation among object data stored in the object storage data base and a definition data base which defines among the respective data bases created (see Kobayashi col. 5, lines 6-40). It would have been obvious to a person of ordinary skill in the art to modify the combined teachings of Naito and Kobayashi with consequently to identify position data of the object to be managed independent of the portable position display apparatus's position. Such modification would allow the teachings of Naito and Kobayashi to improve the reliability of the system for managing objects based on position data, and to provide a system for linking data between a computer and a portable remote terminal which extracts data of a host data base on the computer into the portable remote terminal, and display, edit the extracted data of the portable remote terminal (see Kobayashi col. 2, lines 52-56).

As per claim 8, Naito discloses, "the apparatus further including a data receiving unit for receiving the database" as means for including retrieval from the database (32) based upon data (see col. 5, lines 8-9).

As per claim 9, Naito discloses "the apparatus further including a management information display unit for displaying management information of the object to be

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managed according to the attribute data in the database when the searching unit identifies the match" as based upon the supplied texts information data and intersection position data, displays on the screen thereof an image of a map in which the road sections and the route toward the destination are specified (see col. 10, lines 44-55).

As per claim 13, in addition to claim 1, Naito further discloses "a position display method" as a means for displaying images based upon data obtained by the data processing, in which the portable terminal further including current position detecting means for detecting its current position (see col. 2, lines 811), comprising the steps of:

"storing a database that includes reap data used to display an area in which a plurality of objects to be managed are placed as a map, position data used to display a position of each of the plurality of objects to be managed in the area on the map, and attribute data used to identify each object to be managed in a locally unique way" as based on the information received from the host computer, the display mean displays the corresponding data obtained by the data processing, wherein the user of the portable terminal can obtain appropriate information regarding circumstances of a desire location of the object (see col. 2, lines 28-34);

"reading the map data and the position data of the specific object to be managed from the database" as to specify an area in the map to be displayed on the screen on the display unit so as to read out appropriate map data from the map database, (see col. 10, lines 26-28); and

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"displaying the position of the specific object to be managed in the area on the map according to the map data and the position data read from the database" as to specify an area i the map to be displayed on the screen on the display unit so as to read out appropriate map data from the map database (see col. 10, lines 26-28), and column 2, lines 28-34.

As per claim 14, Naito discloses, "wherein the database is received from a host computer and stored in the database storing step" as a communication host apparatus which includes a database for storing a plurality of data set wherein each concerns a predetermined position (see col. 1, lines 67 to col. 2, lines 3).

As per claim 15, Naito discloses, "wherein the database is updated by the host computer" as the host computer 50 transmits data to the portable terminal via the network system and writes appropriate data to the database (see col. 5, lines 60-65).

As per claim 16, Naito discloses, "wherein the host computer updates the database at predetermined times" as means for responsive to the time up signal to transmit the position information data indicative of the current position of the portable terminal to the communication host apparatus (see col. 2, lines 39-41).

As per claim 17, Naito further discloses "a computer readable storage medium that stores a program to be executed by a computer" as a communication host

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apparatus which includes a database for storing a plurality of data set wherein each concerns a predetermined position (see col. 1, lines 67 to col. 2, lines 3), the program enabling the computer to execute:

"a first process for displaying a map based on map data and on position data of an object that is positioned and managed in a specific area, wherein the map data and the position data are stored in a database" as based on the information received from the host computer, the display mean displays the corresponding data obtained by the data processing, wherein the user of the portable terminal can obtain appropriate information regarding circumstances of a desire location of the object (see col. 2, lines 28-34);

"a second process for drawing a display mark of the object to be managed" as based upon the supplied the second text information data, in which the display unit displays on the screen a text corresponding to the text information data (see col. 10, lines 44-46);

"a third process for obtaining coordinate data of the drawn display mark on the map" as based upon the supplied intersection position area, in which displays on the screen an image of a map and the road sections (see col. 10, lines 46-49); and

"a fourth process for storing the coordinate data in the database in relation to entered data of the object" as a communication host apparatus which includes a database for storing a plurality of data set wherein each concerns a predetermined position (see col. 1, lines 67 to col. 2, lines 3).

As per claim 18, Naito discloses, "wherein the program further enables the computer to execute a process for presenting a list of objects to be managed, read from the database, so as to prompt the user to specify a particular object to be managed and to be stored in relation to the coordinate data in the fourth process" as a communication host apparatus which includes a database for storing a plurality of data set wherein each concerns a predetermined position (see col. 1, lines 67 to col. 2, lines 3), and column 10, lines 26-28.

As per claim 20, the limitations of claim 20 are rejected in the analysis of claim 13, and this claim is rejected on that basis.

B. Applicant's arguments filed 4/14/05, pages 11 and 12, have been fully considered but, have been found persuasive only to the extent that the prior art of record does not disclose "the position data includes coordinate data comprising starting points "X" and "Y" and end points "X" and "Y" for each object to be managed." However, Inaki discloses such limitations.

In response to applicant's argument, pages 10 and 14, that "there is no motivation to make such a combination, and even if such combination were made, it still would not result in the claimed invention," the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally

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available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, While, Naito and Kobayashi fail to explicitly disclose the claimed the position data including coordinate data comprising starting points "X" and "Y" and end points "X" and "Y" for each object to be managed. However, Inaki discloses the claimed data indicates the type of the object, it also refers as object management data, object ranges data are represented by data on the coordinates start points X and Y and data on the coordinates for the end X and Y (see Inaki, col. 4, lines 40-46). It would have been obvious to a person of ordinary skill in the art to modify the combined teachings of Naito and Kobayashi and Inaki with the position data including coordinate data comprising starting points "X" and "Y" and end points "X" and "Y" for each object to be managed. Such a combination would allow the teachings of Naito and Kobayashi and Inaki to improve the speed of the process to acquire the attribute information necessary for displaying the reset cell "area" (see Inaki, col. 12, lines 62-64).

As per Applicant's argument on page 10, that "the prior art reference (or references when combined) must teach or suggest all the claim limitations." Respectfully, Applicant(s) appear(s) to misinterpret the guidance given under MPEP 2142. In particular, references are evaluated by what they suggest to one versed in the art, rather than by their specific disclosures, *In re Bozek*, 163 USPQ 545 (CCPA 1969).

There are numerous court decisions supporting the position given above. The issues of obviousness is not determined by what the references expressly state but

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what they would reasonably suggest to one of ordinary skill in the art, as supported by decisions in *In re Delisle* 406 Fed 1326, 160 USPQ 806; *In re Kell, Terry and Davis* 208 USPQ 871; and *In re Fine*, 837 F.2d 1071, 1074, 5 USPQ 2d 1596, 1598 (Fed. Cir. 1988)(citing *In re Ialu*, 747 F.2d 703, 705, 223 USPQ 1257, 1258 (Fed. Cir. 1988)).

Further, it was determined in *In re Lamberti et al*, 192 USPQ 278 (CCPA) that:

- (I) obviousness does not require absolute predictability;
- (II) non-preferred embodiments of prior art must also be considered; and
- (III) the question is not express teaching of references, but what they would suggest.

According to *In re Jacoby*, 135 USPQ 317 (CCPA 1962), the skilled artisan is presumed to know something more about the art than only what is disclosed in the applied references. In *In re Bode*, 193 USPQ 12 (CCPA 1977), every reference relies to some extent on knowledge of persons skilled in the art to complement that which is disclosed therein.

In response to applicant's argument, page 10, that "This rejection is respectfully traversed" the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the



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applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971).

#### MPEP 2111 Claim Interpretation; Broadest Reasonable Interpretation

During patent examination, the pending claims must be "given the broadest reasonable interpretation consistent with the specification" Applicant always has the opportunity to amend the claims during prosecution and broad interpretation by the examiner reduces the possibility that the claim, once issued, will be interpreted more broadly than is justified. In *re Prater*, 162 USPQ 541,550-51 (CCPA 1969). The court found that applicant was advocating ... the impermissible importation of subject matter from the specification into the claim. See also *In re Morris*, 127 F.3d 1048, 1054-55, 44 USPQ2d 1023, 1027-28 (Fed. Cir. 1997) (The court held that the PTO is not required, in the course of prosecution, to interpret claims in applications in the same manner as a court would interpret claims in an infringement suit. Rather, the "PTO applies to verbiage of the proposed claims the broadest reasonable meaning of the words in their ordinary usage as they would be understood by one of ordinary skill in the art, taking into account whatever enlightenment by way of definition or otherwise that may be afforded by the written description contained in application's specification.").

The broadest reasonable interpretation of the claims must also be consistent with the interpretation that those skilled in the art would reach. In *re Cortright*, 165 F.3d 1353, 1359, 49 USPQ2d 1464, 1468 (Fed. Cir. 1999).

For the above reasons, it is believed that the last Office Action was proper.

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***Conclusion***

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, THIS ACTION IS MADE FINAL. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

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### CONTACT INFORMATION

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to JEAN B. FLEURANTIN whose telephone number is 571 – 272-4035. The examiner can normally be reached on 7:05 to 4:35.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, JOHN E BREENE can be reached on 571 – 272-4107. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



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Patent Examiner

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June 22, 2005



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PRIMARY EXAMINER